

I come to the same initial but different ultimate conclusions from Delegate Cooper. As my voting record on the last vote we took indicates, along with most of my fellow delegates, I find this for a variety of reasons to be a deeply troubling issue. I rarely pass on a vote; I occasionally abstain, and I did both this time.

In this instance, I intend, and I urge my fellow delegates to vote down the Corn amendment so that the Committee proposal can then be voted up, as I think under the troubling considerations and concerns that prevail, as the best compromise that we can do with a variety of both long range and more immediate interests.

Therefore, I conclude by urging you to vote down the Corn amendment and vote up the Committee's proposal.

Thank you.

MS. JONES: Delegate Bruning?

MR. BRUNING: Yes. Earlier, I thanked the Committee for the thankless job of trying to, I think, give language that they thought could fly versus, I think in the case of many of the delegates, their own personal opinions. I think that the Committee has made an honest effort to as narrowly as possible narrow the conditions in which the right to strike should be prohibited. I thank them for that. I think

their language may indeed allow for the possibility to strike (Inaudible), et cetera, but those should be drawn by the legislature.

I will speak against the Corn amendment, with the indication that the Committee report, which I think the overwhelming majority of the people at this Convention heartily endorse the right to strike, and it is the basis thereof which we were (inaudible).

MS. JONES: Delegate Graham?

MS. GRAHAM: Madame Chairman and members of this Convention, I was surprised to hear a fellow delegate talk about why the Congressional people would not accept this document. But I don't know why we haven't become a state before. It certainly wasn't because of this collective bargaining clause.

(Applause.)

MS. GRAHAM: If we have gone this long and we have not become a state, this little thing wouldn't add to it. I am sure there are other reasons. So we can't say this is it. And I would say let's move along. I vote against the Corn amendment because I don't think it is as inclusive as it should be, and I support the one that the Committee has.

But I want to say something else here, also. I think



we as citizens should not be afraid to let this constitution reflect our experiences now, what we experienced yesterday, what we expect to experience tomorrow. Let us move forward and not look back. Let us stand strong and tall, whether they accept it or not. I want this constitution to reflect us, and what is happening here. That constitution that they wrote way back in seventeen whatever it was reflected what was happening to those people at that time -- so much so that they did not let blacks vote, they did not let women vote, and we are doing much more than that now, and I don't think we should take a back step because it is reflecting our views of the day.

(Applause.)

MS. JONES: Delegate Jordan?

MR. JORDAN: Madame Chair, I rise to oppose the Corn amendment. A man who cannot deny his labor is a slave.

Now, I want to state that I support organized labor in principle, while I don't always necessarily agree with actions of leaders or tactics that might be used. I come from a long line of people who have been involved in organized labor, and I myself became a member of the labor union here in Washington, D.C. at the age of 16, when I was working for

Western Union and found that conditions there weren't appropriate, and the only way I was able to secure my rights as an employee of Western Union and have my rights protected was to join the union.

But I must make this point, too, that I would have had some real serious problems about public employees striking. My wife is an employee of a Federal government agency. My mother is an employee of a Federal government agency. My father used to be a schoolteacher, and I know the dilemma that they are placed in when it comes time to strike. I must say I encouraged my wife to strike this last time when the Post Office had problems.

But I have some real problems about this concept of public employees striking. Before we had the break and before I had the chance to talk to our distinguished Delegate from Ward 4 who has stood and made his opposition, and he made me think about something at that point. A lot has been said today about damaging public interest, and somehow it has been personalized, and the concept now is that by deferring to situations, we try to make individuals feel that the government owes them something, the government has a responsibility to them, or the government has some kind of contractual arrangement with individuals, and that by public employees

striking, we are not being provided with services which the government is obligated to provide us. I won't make that point again. I hope it is getting home. But somehow, when we refer to somebody who is injured and needs an ambulance, and that ambulance won't be there because a public employee is striking, the inference is that the ambulance is supposed to be there because the government has an obligation or a responsibility to provide that ambulance. And then we can look at the same thing, if a person is a victim of a crime, and we make the argument that if the police are striking, if the people weren't on strike, then the government would have the opportunity to provide that service to the individual who is being victimized by a crime or a criminal.

The fact of the matter is -- and I want this understood -- that this past December, the highest Court in this City, the Court of Appeals for the District of Columbia, settled a case, and a part of its decision said that the government is under no obligation to provide anything in the way of police service, in the way of fire service, in the way of health service, to individuals who live in this City.

Now, I would like to cite, the Court said, "When a municipality or other government entity undertakes to furnish police services, it assumes a duty only to the public at large



and not to individual members of the community."

So the government is under no obligation now to provide police or fire services to you and me and individuals, and if the police or firemen strike, we are not losing anything essentially, because the government didn't have to give us that from the start.

So the question that we need to be dealing with, since the city is under no obligation, why deny -- in the absence of any compelling reason, in the absence of any evidence that shows that there is a compelling reason, in the absence of any information or evidence that shows that the government is obliged to provide these services, why deny the public employees the same rights that we give to employees in every other aspect of this city's life?

So I think that we need to start thinking if we are going to differentiate between how people are going to be treated. I remember years ago -- and it still happens today -- there are differentiations between the way black folks are treated and white folks are treated; there is a difference between rich folks and poor folks are treated, and now we are going to make a difference between the way some members who are in organized labor unions and other people in organized labor unions are treated. And I am saying in the absence of any



specific evidence that shows that there will be a damage to the public or to individual interests, I don't think we should make that kind of decision now.

There is a concept of what is known as an irrebuttable presumption, and that is to say that evidence would be convincing and compelling that there is a state interest served by this. And I would ask that those who are opposing the maker of this motion and others who have stood up in support of this concept of denying public employees the right to strike to show us by clear and convincing evidence that there is a need to abridge that right.

Thank you very much.

MS. JONES: Mr. Cooper asked to speak last since he moved this.

Delegate Cooper?

MS. CORN: Point of order.

MS. JONES: Excuse me. There is a minority report by Delegate Corn. It was moved by Mr. Cooper because she was not here. So therefore, I am giving him the right to speak last. Most of the people who are asking to speak at this point have spoken once.

Delegate Cooper?

MS. CORN: Point of order, Madame Chair.

MS. JONES: What is your point of order, Delegate Corn?

MS. CORN: The section has not been called, and therefore --

MS. JONES: The time for the debate is over, according to our new rules.

Delegate Cooper has asked to speak last. Now, I am allowing him to speak last since he moved your amendment.

Delegate Cooper?

MR. ROTHSCHILD: Point of order. The question has not been called, and it is very disrespectful for the person who has made the minority report --

MS. JONES: I have not called on you.

Delegate Cooper?

MR. ROTHSCHILD: Well, it is just very outrageous that somebody can't speak to their minority report.

MS. JONES: I couldn't give a damn. I couldn't care less. It will be turned down by Congress, so what difference does it make.

MS. JONES: Delegate Cooper?

MR. COOPER: Fellow delegates, I am so glad that Delegate Jordan did bring up the fact that we had problems. I am glad that Delegate Jordan brought to light the fact that

what I said to him gave him some additional insight, because certainly, what he said to me and what he has brought up on this floor gave me some additional insight, inasmuch as the Court of Appeals handed down a decision in their opinion that in fact, the government was under no obligation to provide fire protection; the government was under no obligation to provide health protection, or no obligation to provide police protection or any other protection that would secure our rights as citizens.

Why do we need this section in the constitution at all? I submit that if the government is under no such obligation, the section then becomes moot, and that should give one more reason to vote this entire section down. The right to strike, the word, "strike", should not appear anywhere in this constitution, because it guarantees nothing, it gives us nothing.

MS. JONES: There have been 21 delegates to speak either for or against this motion.

Delegate Robinson?

MR. ROBINSON: Madame Chair, I rise to call the previous question.

(Whereupon, the motion was duly seconded.)

MS. JONES: The question has been called and



seconded. All those in favor of calling the question, please show their hands.

(A show of hands.)

MR. COOPER: Twenty-three.

MS. JONES: All those not in favor of calling the question, show their hands.

(A show of hands.)

MR. COOPER: Two.

MS. JONES: Those abstaining.

(A show of hands.)

MR. COOPER: One.

MS. JONES: We are now to the Corn amendment.

Those in favor of the Corn amendment --

MR. SCHRAG: Could it be read, first?

MS. JONES: Would the Secretary read the Corn amendment, please?

MR. COOPER: The Corn amendment -- and I won't go into the details of it, but will just read the what would become the new section if the Corn amendment were to pass, if that is quite all right.

The section would read, "Except for police personnel, fire personnel, and health care personnel, persons in private and public employment shall have the right to organize and to



bargain collectively through representatives of their own choosing and to strike."

MS. JONES: Those in favor of the Corn amendment will show their hands.

(No response.)

MR. COOPER: There are none in favor.

MS. JONES: Those opposed to the Corn amendment will show their hands.

(A show of hands.)

MR. COOPER: Twenty-nine.

MS. JONES: Are there any abstentions?

(No response.)

MS. JONES: The amendment fails.

Are there other amendments or minority reports?

Delegate Croft?

MR. CROFT: I have none.

MS. JONES: Delegate Nahikian?

MS. NAHIKIAN: Yes, Madame Chair. I have one small amendment that affects lines 6 and 7, and I would like to make it for purposes of discussion. That is that I would strike the word "governmental" on line 6 and substitute at the beginning of line 7 after "interest", the three words "interest of the people".

(Whereupon, the motion was duly seconded.)

MS. NAHIKIAN: The line would then read, "The right of public employees to strike shall not be abridged unless it serves the compelling interest of the people." And then, you would have to say, "This right is narrowly drawn so as to serve that interest, and it is clear that no alternative form of regulation is possible which does not abridge such right."

MS. JONES: It has been moved and seconded to amend line 6 to strike out "governmental"; line 7, after "interest" to say "of the people." and to put a period behind "people", and to say, "This right is narrowly drawn" --

MR. NAHIKIAN: I am sorry. I have a construction problem here. This has been pointed out by the research assistant. Just put a comma after "of the people" and continue on that it is narrowly drawn.

MS. JONES: Okay. Is there a second to the Nahikian amendment?

(Whereupon, the motion was duly seconded.)

MS. JONES: Delegate Croft?

MR. CROFT: I rise to oppose the amendment for a reason. The language here was drawn carefully and artfully. This amendment creates a legal nightmare. The question is --

I will just make the point. We are trying to do two things with this. We are trying, one, to protect employees' right to strike, and also to protect the public interest. The term that you have inserted, "of the people", has no legal standing, no legal definition. In other words, we have used a word that has a longstanding definition in terms of case history. In other words, we have said this. If the state is to abridge the right to strike, the state must meet three tests. You have added a word that indeed requires the state to meet no tests.

Governmental interest has a longstanding meaning to American persons and to change the clause that says "governmental interest", you have used the term that indeed would allow the state to abridge just about any strike it wanted to abridge.

MS. JONES: Delegate Eichorn.

MS. EICHORN: I suppose the Committee's language with one concern, and that is that I believe the Convention does the opposite of what I heard Delegate Croft saying it does.

MR. CROFT: No, it doesn't. Again, I will show you our report, and I must --



MS. EICHORN: I have read the report. I have it right here, and if we are going section by section, I am reviewing it at the appropriate time. Now, maybe I'm not absorbing everything that you did in the Committee debate. But I am not interested necessarily in serving governmental interests. It could be in the interests of the government to have trash picked up, and I am not opposed to having sanitation workers strike, unless it creates such a health hazard that it is then in the public interest to require transportation workers on a one-time basis to go out and pick up the trash and then strike again. To me, the issue is the interest of the public, the life safety and health interests of the public, and that concerns police, fire and some health workers. It does not concern the broad spectrum of what I see as governmental interests.

MS. JONES: Delegate Croft, did you want to answer?

MR. CROFT: Yes, again I want to make a point here. The question of whether public employees should or should not have the right to strike is a valid question. But I am going to insist that Delegate Eichorn's opinion is erroneous. I am sorry, Delegate Eichorn, your opinion is erroneous. The point I am trying to make is that we have set three standards the state must meet if it is going to stop a person from



striking. "The problem with the language offered by Delegate Nahikian is that it includes vague language in which there is not acceptable definition. The state could essentially say that anything was that. We are trying to say this. We are trying to say the state should, number one, demonstrate that it is a compelling governmental interest, that it is impelling. And we are secondly trying to say that the state has to show there is no alternative. The problem with the language is that it does not do what we want it to do; it is inadequate in terms of our language, and it would provide the state with a weapon to in fact limit almost every public employee's right to strike. It is vague and, I think, general.

And if you go into allowing most employees the right to strike while we want to protect the public interest, then our language does that, and your language does not.

MS. JONES: Delegate Nahikian?

MS. NAHIKIAN: Madame Chair, I am trying very hard to listen what Delegate Croft is saying, and I am looking at his report. And I still do not understand why "compelling interest of the people" is more vague than "compelling governmental interest". And if there is case law, maybe our Legal Counsel could address it.

MR. CROFT: Yes, could I answer that again? Return

to our report --

MS. NAHIKIAN: I am reading the report.

MR. CROFT: It says, "Compelling governmental interest is a legal term of art, clearly defined through constitutional history and elaboration." The point is that we have used a term of "longstanding legal history". The term you have used does not have that. It creates the first problem of what is definition.

MR. MARCUS: Point of information.

MS. JONES: Delegate Marcus.

MR. MARCUS: It calls for hearing from the Legal Counsel, and I think that would be appropriate.

MS. JONES: Mr. Thomas?

MR. THOMAS: Okay. "Compelling governmental interest" is a legal term that has been established in traditional case law. And what this second sentence is trying to do is provide a check on the person to ease the fears of those who fear that police services and fire services and sanitary services will get out-of-hand; those people are allowed to strike. No matter what happens, no matter how "compelling governmental interest" is defined -- it could probably be defined by legislation or regulation -- it will eventually end up in court, anyway. A "compelling governmental

interest" means, for example, sanitary workers have a right to strike. However, if it is going to end up in the State of Washington, D.C. having garbage all over the street, we have a right to check that. There is a compelling governmental interest in seeing that the city is clean, and seeing that garbage is not all over the street. So you can strike, but we can regulate, so that does not violate our interest to have a clean environment for the people.

MS. JONES: Mr. Cooper?

MR. COOPER: The main objection with your term, "compelling interest of the people" is that it is not a legal term. "Compelling governmental interest" is a legal term probably which the courts can most easily deal with and is most legally understandable. This is why the Committee has recommended it.

MS. JONES: I think the motion belongs to the body at this point.

Delegate Paramore?

MS. PARAMORE: I move the previous question.

(The motion was duly seconded.)

MS. JONES: The question has been called.

All those in favor of calling the question will show their hands.



(A show of hands.)

MR. COOPER: Twenty-four.

MS. JONES: Those opposed?

(No response.)

MS. JONES: Are there any abstentions?

(No response.)

MS. JONES: We are voting on the Nahikian amendment.

All those in favor of the Nahikian amendment will show your hands.

(A show of hands.)

MR. COOPER: Nine.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Nineteen.

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: One.

MS. JONES: The amendment fails. We are back to the language of the Committee.

Are there any other amendments?

(No response.)

MS. JONES: Are there any other minority reports?

(No response.)



MS. JONES: Those delegates who want to discuss the language of Section 1, Collective Bargaining of the Committee?

Delegate Brian Moore, Delegate Oulahan, and Delegate Charles Mason.

Brian Moore?

MR. B. MOORE: Yes, I'd like to speak in favor of Section 1 as presented by the Committee. I believe in the right of public employees to strike. But I heard expressions today about people being concerned about services being deprived of them if public employees do go on strike. However, it seems to me that some of the public strikes that have occurred in the various states that are affecting police and fire protection and so forth, that the Governor has adequately called out the National Guard or other types of bodies that have more than adequately provided these services in times of emergency.

So I really do not see the public being threatened by these types of emergency services when that body, that particular body, is on strike. Therefore, I would urge my fellow delegates to vote in favor of this proposal.

MS. JONES: Delegate Oulahan?

MR. OULAHAN: Madame Chairperson, I urge the Convention to vote against the Committee report. There is no question in the minds of any of us that employees of the state

government ought to have the right to collectively bargain. Federal employees have had that since 1978. Under the Federal legislation, there is no right to strike, and there should be no right to strike here.

Public employment is not a right; it is a privilege. You can make a choice of whether you want to go to work for the government, and if you go to work for the government, you go into the government with a disability (inaudible), including security checks and in the case of labor-management relations, no right to strike.

Now, I just want to pick up a couple points made in the debate. My friend, Mr. Jackson, has not given me a firm answer on whether or not the provisions of the Committee Report will apply to the military.

MR. JACKSON: That is permitted.

MR. OULAHAN: I would venture to say that if this provision is adopted, down the line, someone will come along and say that the National Guard and militia have a right to strike because it is an inherent right which anybody working for the government has. That dangers of that should be implicit.

Secondly, this provision is special interest provision. I have heard a great deal about the rich and poor

and other alleged divisions in this city. That has nothing to do whatsoever with what is on the record here. This provision is a special interest provision for organized labor. It has nothing to do with the rights of the vast majority of the people in the city. Those who propose this provision before the Committee come from a special interest group. ABA, the Central Labor Council, they are special interest. My son is with the AFL-CIO, but he and I realize that he is a special interest proposer, just like I am a special interest proposer on the other side.

Now, one other point, Madame Chair, and I make this most seriously, as I have made in my other proposals and arguments before this Convention. I can think of no provision which will go as far to turn the District of Columbia population off than a provision in the constitution for the right of public workers to strike -- not to organize.

So I again state, I can think of nothing further that will kill this constitution.

Thank you.

MS. JONES: Delegate Charles Mason?

MR. MASON: I rise in support of the Committee version. I would like to ask the Committee one question, and that is, in those few instances where the new state might



deny the right to strike to certain groups in certain circumstances, what of the consideration of saying that in lieu of the right to strike, there would be compulsory binding arbitration? I believe the Interstate Contract regarding the Washington Metropolitan Area Transit Authority employees, it forbids striking, but does provide compulsory binding arbitration. I wondered if this matter had been discussed by the Committee.

I rise in support of the Committee's proposal, and I am seeking only information.

MR. CROFT: I would say that we assume that if we write to abridge, the legislators have an obligation to provide a method to resolve disputes. Compulsory binding arbitration is one mechanism, but also last best offer is a method, too. So they have two choices, essentially. And I am not sure whether we should --

MS. JONES: Delegate Bruning?

MR. BRUNING: I call for the previous question.

(Whereupon, the motion was duly seconded.)

MS. JONES: Excuse me. We had one other speaker on the floor, and that was Delegate Nixon.

I will recognize Delegate Bruning after Delegate

Nixon speaks.

MR. NIXON: Madame Chairman, I will speak in opposition to the section and will go on the record to say that I believe in the right of persons to strike (inaudible), but I vote against the section for a special reason. This section endangers the education of our young people. The last time that there was a teachers strike, the children of our schools, including myself, were denied a quality education. Even though the teachers had a good fall and the strike didn't last long, I wonder what would have happened if the strike had lasted four, five or six months. It could happen. And this section provides for that to happen, and I speak in opposition to it.

MS. JONES: There seems to have been quite a few hands following Delegate Nixon.

MS. FEELY: Madame Chair, I have raised my hand a number of times, and I have been denied.

MS. JONES: Wait, now, just a minute. Not to abuse the Chair, but I have not denied anybody the right to speak when I have seen their hands. And if I did not see your hand, I apologize.

MS. FEELY: Apologize accepted, Madame Chair.

MS. JONES: Okay. Now, there has been a stir in the

room since Delegate Nixon spoke, as I began to say. I did say to Delegate Bruning that I would entertain a call of the question. I will not entertain that, since there has been some activity of people wanting to respond.

The first hand I saw after Delegate Nixon was Delegate Jackson -- excuse me, please, but Delegate Harris is the next person to speak, and I am trying to tell her she is already on the list. So after the list, I saw Delegate Jackson, I saw Delegate Love, I saw Delegate Feely, I saw Delegate Barnes, and I saw Delegate Rothschild. And I think after Delegate Rothschild, we will entertain Delegate Bruning to call the question.

MS. HARRIS: Madame Chair, it seems to me that we have discussed this section in detail during two or three amendments, and it seems to me that we ought to have some idea of the pros and cons of collective bargaining. And at our last meeting, it was decided by people who were -- I guess it was Jim Baldwin -- that with issues like this, we would just take two for, two against, and the last person to speak, and move the question. Otherwise, I don't think it is fair to sit down and listen to 15 speakers discussing just one of the amendments which is part of the main motion. I asked to be recognized to call the question, because we have had two for,



two against, and 20 before this.

MS. JONES: Then the problem here is that this issue is one of the issues that this convention said before was one of our more heated issues, and to allow people to speak, regardless of whether some delegates think they have to be cut off, I am going to allow people to speak.

Now, I will entertain Delegate Bruning's motion after Delegate Rothschild has spoken. But there are five people before him. And unless there is some overwhelming objection, I will allow those people to speak.

Delegate Jackson?

MR. JACKSON: Madame Chairman, I would rise to urge the 14 voting for the other right to strike to vote for this. I thought I offered a Rolls Royce instead of a '65 Chevy.

But I would say, Madame Chair, that some misunderstand. Military personnel are not involved in a public workers' union. It has nothing to do with it. And I think that Delegate Oula-hand is not so (inaudible), and I think he knows that.

I think also, Madame Chairman, this point of striking must be understood in its context. Workers sometimes become dissatisfied. If workers in the public schools become dissatisfied, they would do a worse job being dissatisfied.

But this only allows that the government must meet certain conditions along with the people and anyone else. Teachers don't go on strike except to better their conditions, and most strikes in Washington, Madame Chair, have not been for (inaudible), but for conditions of workers.

So I would only say this, Madame Chair. Some people don't think I know the Bible, but I know it pretty well. There is a saying in that Bible that says, "I'd rather be a doorkeeper in the house of the Lord than a dweller in the house of the wicked." Those who support the rights of the workers will be the doorkeepers, and those who are against will dwell, and this will be seen.

Thank you.

MS. JONES: Delegate Love?

MR. LOVE: In view of the extensive debate, I'll pass.

MS. JONES: Delegate Feely?

MS. FEELY: I'll pass for the time, and Madame Chairman, I want to vote for the Committee report.

MS. JONES: Delegate Barnes?

MR. BARNES: I was going to ask for a roll call vote.

MS. JONES: Delegate Rothschild?

MR. ROTHSCHILD: In consideration of time, I'll pass.

MS. JONES: Delegate Bruning, would you like to make your motion at this point?

MR. BRUNING: Move the previous question.

(The motion was duly seconded.)

MR. BARNES: Roll call.

MS. JONES: The question has been called.

Those in favor of calling the question will signify by raising their hands.

(A show of hands.)

MR. COOPER: Twenty-one.

MS. JONES: Those opposed to calling the question?

(No response.)

MR. COOPER: None.

MS. JONES: Those abstaining?

(No response.)

MS. JONES: We will now vote on the main motion.

MR. CROFT: Roll call vote.,

MS. JONES: There has been a call for roll call.

Can I see how many hands of those who would join in the request for a roll call?

(A show of hands.)



MS. JONES: I see six hands.

Mr. Secretary, will you call the roll? What is on the floor now is the language of the Committee.

(Secretary Cooper called the roll as follows:)

MR. COOPER: Delegate Jackson, Yes; Delegate Johnson, No Response; Delegate Jones, Yes; Delegate Jordan, Yes; Delegate Kameny, Yes; Delegate Lockridge, Yes; Delegate Long, No; Delegate Love, Pass; Delegate Maguire, No Response; Delegate Marcus, Yes; Delegate Charles Mason, Yes; Delegate Hilda Mason, Yes; Delegate Brian Moore, Yes; Delegate Jerry Moore, No Response; Delegate Talmadge Moore, No; Delegate Nahikian, Yes; Delegate Nixon, No; Delegate Oulahan, No; Delegate Paramore, Yes; Delegate Robinson, No; Delegate Rothschild, Pass; Delegate Schrag, Yes; Delegate Shelton, Yes; Delegate Simmons, No Response; Delegate Street, No Response; Delegate Terrell, No Response; Delegate Thomas, No; Delegate Warren, Yes; Delegate Baldwin, No Response; Delegate Barnes, Yes; Delegate Blount, No Response; Delegate Bruning, Yes; Delegate Clark, No Response; Delegate Coates, No Response; Delegate Cooper, No; Delegate Corn, No; Delegate Croft, Yes; Delegate Eichorn, No Response; Delegate Feely, Yes; Delegate Freeman, Yes; Delegate Garner, No Response; Delegate Graham, Yes; Delegate Harris, Yes; Delegate

Holmes, No Response; Delegate Love, Yes; Delegate Rothschild, Abstain; Delegate Cassell, No Response.

MS. JONES: Please read the vote, Mr. Secretary.

MR. COOPER: Madame Chair, the vote stands 22 in favor, 8 not in favor, one abstention.

(Applause.)

MS. JONES: Section 1 is adopted.

Delegate Croft?

MR. CROFT: Madame Chair, would it be in order to take a 10-minute break before we go on?

MS. JONES: Let's move on.

MR. CROFT: Madame Chair, I move the adoption of Section 2, Minimum Wages, Equal Pay, Health and Safety.

(The motion was duly seconded.)

MS. JONES: Proceed, Delegate Croft.

MR. COOPER: There is a minority report.

MS. JONES: Mr. Secretary, would you move the minority report?

MR. COOPER: I'll read it; I don't know if I want to move it.

MS. JONES: Who is the minority report from?

MR. COOPER: The minority report is from Ms. Gloria Corn.

MS. JONES: Is Ms. Corn in the hall?

(No response.)

MS. JONES: Delegate Nixon, would you ask Delegate Corn to return to the hall to move her minority report, if she wishes it.

MR. COOPER: There is also one amendment.

MS. JONES: We will wait one minute for Delegate Corn to come into the hall to move her minority report.

MR. NIXON: She is not here.

MS. JONES: Would you read the minority report, Mr. Secretary?

MR. COOPER: The minority report is to page 10 of the Committee report, Section 2, and it would change lines 12, 13, and 14 to read as follows: "The legislature shall provide standards regarding minimum wages, equity of payment for work regarding comparable work, seniority, and non-discrimination, as well as a safe and healthy workplace.

MS. JONES: Is there a second to the minority report?

MR. COOPER: I wasn't moving it; I was reading it.

MS. JONES: You have to move it as the Secretary.

MR. COOPER: I don't have to move it.

MS. HARRIS: It has to be moved by the body.

MR. COOPER: It can be offered.



MS. JONES: Is there a second to the minority report?

(No response.)

MS. JONES: For the third time, I will ask, is there a second to the minority report?

(No response.)

MS. JONES: Hearing none, we do not have a minority report.

Yes, Delegate Croft?

MR. CROFT: I am not sure if this is in order or not, but I forgot to do it. We wanted to add at the last line of page 14, line 15, "Minimum wage status shall apply to all (inaudible) in any category established."

I think there is confusion over whether we are saying that we should have minimum wages for everybody, or where they apply -- whether any minimum established shall apply to all employees in any category established.

MS. JONES: This is the Committee's language, okay. Delegate Cooper, you may move your amendment.

MR. COOPER: Madame Chair and fellow delegate, mine comes in the form of a substitute for the article, so that the article would read as follows: "The legislature shall provide for minimum wages, equal pay for equal work, and

comparable pay for comparable work."

That would be the section in its totality.

(The motion was duly seconded.)

MS. JONES: There was a second to the Cooper amendment.

MR. COOPER: Madame Chair, my reason and rationale for moving this is because I think that this language accomplishes the aim of the Committee and does it in a less verbose manner. I have no problem with the substance of this section of the article, with the exception of the last two sentences of the page, "The legislature may enact other laws to enhance and promote the dignity and general welfare of the labor, but no law shall be enacted which impairs the ability of collective bargaining organizations to carry out their lawful function."

That tells me that no law can be enacted to impair collective bargaining organizations from carrying out unlawful functions. And this, I think, severely handclasps the legislature. I think it is unnecessary to say what the legislature may or may not do, can or cannot do, with regard to the laws that they intend to adopt or pass. I think that the language set forth in the substitute is sufficient, because what we are trying to do here is not legislate, but

protect the rights and dignities of the people, and I think that if we provide for equal pay for equal work, I think that if we provide for comparable pay for comparable work, then we have done great service, and we have done all that is constitutionally necessary to do in order to provide for the dignity of the people of the state.

Therefore, I urge my fellow delegates to support the substitute motion.

MS. JONES: Move the amendment, Mr. Secretary.

MR. COOPER: It was moved as a substitute for the section, and it says so in the sheet that was substituted yesterday.

MS. JONES: Delegate Love?

MR. LOVE: I just have a question for the maker of the motion. Did he add the phrase, "a safe and healthy workplace"?

MR. COOPER: No. It simply read, "The legislature shall provide for minimum wages, equal pay for equal work, and comparable pay for comparable work."

MR. LOVE: But why are you leaving off, "safe and healthy workplace"?

MR. COOPER: Because I think that that is a gift. I think that if the legislature shall provide comparable pay



for comparable work, I don't think they need to be told what constitutes a safe and healthy work environment, and I don't think they need to be told that a safe and healthy work environment must exist. The legislators are just like us. If we are concerned about it, it is obvious that the legislators we elect will be concerned about it.

MR. LOVE: I'd like to move to amend the motion with those words, Madame Chairman.

MS. JONES: There is a motion to amend the Cooper substitute motion. Is there a second?

(The motion was duly seconded.)

MS. JONES: Delegate Marcus?

MR. MARCUS: I wish to rise to speak against the Cooper amendment, the Cooper substitute, and I will now rise to speak against the Love amendment as opposed to the substitute amendment. What this body would do by voting for this is, number one, it would provide for a continuation of the system by which women are paid 59 cents for every dollar which men are paid, and you do that by voting for the language, "comparable pay for comparable work", since women are constantly and consistently capitalized into jobs which can be called "comparable", but which in effect are, in fact, equal, and what will continue to be paid a comparable

salary with women who are receiving comparable salaries for what is actually equal pay for equal work. In other words, you are going to continue a system which suppresses women workers in this city and throughout the country.

The second thing you are going to do by voting for this particular amendment is that you are going to allow the employer sub-minimum wages, and the reason you are going to allow for sub-minimum wages is because it doesn't specify that minimum wages will be applicable to all workers. All it says is that the state legislature shall set minimum wages. It doesn't say to whom. It doesn't say to all workers. It doesn't force the legislature to deal with categories of workers. No. What it does, is simply allow the state legislature to set minimum wages, and that is exactly the issue that is going on throughout this country, and that is an issue that workers all over this country including all of the largest unions are fighting very hard against.

The third thing that you are in fact doing by voting for this particular amendment is that while you say that you are in support of safety for workers, what you are doing is providing for a very weak kind of direction for the state legislature without saying to the state legislature, "You will consider the dignity of workers when providing for

their health. You will consider the general welfare of the workers while providing for their health."

In fact, what you are doing is you are not providing any teeth at all for workers in this particular article as it is amended by voting for the Love-Cooper substitute.

The fourth thing you do by voting for the amendment and then voting for the substitute is that you in no way restrict the legislature from attacking collective bargaining. You in no way prevent the legislature, for example, from setting up right to work laws, which in fact would restrict every person in this room who has been a member of a union. I would urge you to vote against Mr. Love's amendment, and I would urge you to vote against Mr. Cooper's substitute.

Thank you.

MS. CROFT: I'd like to call the question-- I yield.

MR. JONES: Are there any other speakers?

Delegate Brian Moore?

MR. B. MOORE: I'd just like the amendment to be re-read, please.

MS. JONES: Mr. Secretary, would you re-read the Love amendment?

MR. COOPER: The Love amendment to the Cooper



substitute would have the section read as follows: "The legislature shall provide for minimum wages, equal pay for equal work, and comparable pay for comparable work, and a safe and healthy workplace."

MS. JONES: Delegate Robinson?

MR. ROBINSON: Madame Chairman, I stand to call the previous question.

(The motion was duly seconded.)

MS. JONES: The question has been called. All those in favor will do so by a show of hands.

(A show of hands.)

MR. COOPER: Twenty-three.

MS. JONES: Those opposed?

(No response.)

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: One.

MS. JONES: We are now voting on the Love amendment. Those in favor will show their hands.

(A show of hands.)

MR. COOPER: Seven.

MS. JONES: Those opposed?

(A show of hands.)

MS. JONES: Abstentions?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: The motion fails.

We are back to the language of the Committee. I am sorry, we are back to the Cooper substitute.

Delegate Barnes.

MR. BARNES: Move the question.

(The motion was duly seconded.)

MS. JONES: All of those in favor of closing the debate, show their hands.

(A show of hands.)

MR. COOPER: Twenty-three.

MS. JONES: Those opposed?

(No response.)

MS. JONES: Those abstaining?

(No response.)

MS. JONES: We are back to the language of the Committee.

MR. COOPER: No, no. That was cutting off debate. We are voting on the Cooper amendment.

MS. JONES: I'm sorry. Those in favor of the Cooper amendment.

(A show of hands.)

MR. COOPER: Six.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Eighteen.

MS. JONES: Those abstaining?

(No response.)

MS. JONES: The Cooper amendment fails.

Delegate Barnes?

MR. BARNES: I move the question on the Committee language.

(The motion was duly seconded.)

MS. JONES: I have recognized Delegate Barnes, who rose to move the question on the main motion. We have a second.

MR. COOPER: Point of personal privilege.

MS. JONES: Then, I will entertain the motion to cut off debate after -- Delegate Mason, do you want to speak?

MR. MASON: I want to speak on the main motion.

MS. JONES: Okay, just a second. Other delegates that want to speak?

MR. COOPER: I have a point of personal privilege.

MS. JONES: I will give you that point of personal



privilege in just a minute, Delegate Cooper.

Are there other delegates that wish to speak?

(No response.)

MS. JONES: Delegate Cooper, your point of personal privilege.

MR. COOPER: Yes. Madame Chair, before the question was called, I had informed you -- I don't know if you heard, and maybe I didn't speak loud enough -- but I did inform that I had another amendment. And because of a precedent set here today that we decided to go on starre decisis and base ourselves on what was done by Baldwin in the past with regard to minority reports, and not only that, but after a question had been called before, we went on with other debates -- extensively, I might add -- I would wonder if I could possibly be recognized to make my amendment.

MS. JONES: Delegate Cooper, I did not hear you tell me that you had an amendment. Now, you and I happen to be sitting some distance apart, and it is not that I don't hear well, but there is always noise here in Convention Hall. Now, I don't believe in apologizing for things I have not done, but to you today, I will apologize for doing that.

Now, I did recognize you on a point of personal privilege, but I do also think you should apologize for

criticizing me for something I did not hear.

MR. COOPER: Well, I quite apologize.

MS. JONES: Well, if you have an amendment, I will allow you to make that amendment after Delegate Charles Mason and Delegate Wes Long speak.

Delegate Charles Mason?

MR. MASON: I rise in support of the Committee version as printed with the misspellings corrected. My concern relates to the pencilled change that was given us by the Chairperson in which he said "in any category". I am concerned for this reason. Two or three years ago, Hilda Mason introduced in the Council a bill to increase the minimum wage. The minimum wage applies primarily -- concerns certain marginal jobs -- dishwashers, salespeople in the five-and-ten, and a number of other occupations where people are paid the minimum wage. It doesn't have much bearing on the highly skilled occupations.

The problem that we found in the District was that in those occupations where the Federal minimum wage law didn't apply because of lack of interstate involvement, the District's minimum wage would lag behind the Federal, and these problems were corrected only for one occupation at a time. Now, when the Minimum Wage Board would hold hearings and

deal with one occupation, they would give an increase, which would be fine and put those people in the right place. But they didn't get around to that occupation again for about five years, and that one would drop behind while they were working on another.

Therefore, our conclusion was that the interests of these workers would be best served by following the pattern of the Federal law, which has a minimum wage for occupations in general, and not have a separate one for dishwashers and another one for some other occupation of a similar nature -- for cleaners, food service people, and so on; that the mere delay between working on one occupation and working on another worked to the disadvantage of these employees.

Therefore, I would ask the Chair would he withdraw the oral amendment that he made and go back to the printed version.

MR. CROFT: Based on that, yes, we would.

MS. JONES: Delegate Croft, do you want to respond to Delegate Mason?

MR. CROFT: I am going to accept that, and I'd like to speak to why I am going to accept that. I originally accepted that because it was my immediate assumption -- and I



think it has been confirmed -- that the language I had used was Federal language, and it was perfectly clear. It was perfectly clear language. I was told that if we didn't use that kind of language, we were implying that every job within the state would have to be covered by the minimum wage.

That is obviously not true, because Congress does not cover every occupation within the United States. I had assumed that indeed, the legislature could decide not to include certain occupations, certain jobs within the minimum wage.

Now, personally, I support the language that has just been put forth for the striking of our previous language, because I am concerned about who are the people who occupy the jobs in certain categories. I am concerned that the people who occupy the jobs in certain categories can be looked at in terms of sex, they can be looked at in terms of race, they can be looked at in terms of their national origin, they can be looked at in terms of their ages. And I am concerned with those kinds of things.

I think what we are trying to do is essentially say that the minimum wage established shall apply to all employees, and I think that leaves it up to the legislature to decide whether it will have categories or whether it will not. That is what we were originally trying to do. I think the

problem with the language I accepted was that it may indeed be interpreted by the legislature to indeed set up categories, and I am concerned about who makes up the categories--certain people in some categories, certain people in other categories.

So we would accept the language.

MS. JONES: Delegate Long?

MR. LONG: This is on page 11, the last phrase, starting with the semicolon on line 1, is a self-contradictory statement, "no laws should be enacted which impair the ability to carry out lawful functions". Either they are lawful, or they are not. If you pass a law which inhibits another law, then the second law carries over the first, and I think we have a certain amount of confusion here, and I think that that phrase should be struck and I so move.

(The motion was duly seconded.)

MS. JONES: This is a substitute motion. Delegate Long?

MR. LONG: That's an amendment to strike.

MS. JONES: It is an amendment to strike Delegate Mason's language?

MR. CROFT: No, an amendment to strike the language on page 11 of 15, and it is a language that after the semicolon, to strike, as I understand it, the words that say,

"but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out the lawful functions". That is what is asked to be struck.

MS. SHELTON: Point of order.

MS. JONES: Delegate Shelton?

MS. SHELTON: I think that we are discussing another part of this section, and it may be less confusing to the delegates if Delegate Long waited until we completed the section which Mr. Mason addressed himself to, unless we have settled that.

MS. JONES: I was under the impression that the Committee had accepted Delegate Mason's language.

MR. MASON: It's my understanding that the Committee accepted my language.

MS. JONES: There is a motion on the floor to amend the section to strike after the semicolon on page 11 of 15, "but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out their lawful functions". Do you want to change the semicolon to a period?

MR. LONG: Yes.

(The motion was duly seconded.)

MS. JONES: It has been seconded. Is there any discussion?

Delegate Kameny?

MR. KAMENY: I think that Delegate Long's motion throws out the baby with the bathwater, and I think his purpose, which is legitimate as stated, can best be carried out by simply striking the word, "lawful", and leaving all the rest of the language there, and I move that as a substitute motion.

(The motion was duly seconded.)

MR. KAMENY: That is the word "lawful", on page 11, line 3.

MS. JONES: You are going to amend the substitute motion?

MR. KAMENY: If it is in order; I will defer to the Chair as to whether my motion is in order.

MS. JONES: Is there a second to your amendment, Delegate Kameny?

MR. KAMENY: There was at least one second that I heard.

MS. JONES: Delegate Kameny has amended the motion.

MR. KAMENY: That is Delegate Long's motion that I amended.

MS. JONES: Delegate Long?

MR. LONG: I still think there must be something



which defines what the functions of collective bargaining organizations are, and if you pass a law which inhibits those functions, then you have redefined the functions. We are going in circles, and I don't understand how you get around that.

MS. JONES: Delegate Shelton?

MS. SHELTON: Well, I think the purpose, it would seem to me, of the constitution, will be to set the course on which the delegates of this assembly propose that the state carry out this function, and I think what this says is that we do not wish any restraints in this section that would inhibit the carrying out of collective bargaining organizations. So therefore, I think it serves the purpose of making clear in the constitution the intent of the delegates, and therefore, that is the reason why we do not wish for it to be excluded. So that therefore, it does limit in some cases which laws can be included in legislation.

MS. JONES: Delegate Schrag, did you want to speak to this?

MR. SCHRAG: I sought recognition to offer an amendment on the main motion, perfecting amendment for Delegate Mason's point. I will wait, therefore, until after this is disposed of.

MS. JONES: Is there any other discussion?

(No response.)

MS. JONES: Hearing none, I will call for the vote on the Kameny amendment.

MR. OSCHRAG: Would you read it again, please?

MS. JONES: Those in favor of striking the word, "lawful", page 11 of 15, line 3, if you are in favor, you will raise your hand. Those in favor of the Kameny amendment, that is, line 3, page 11.

MS. FEELY: May I suggest, Madame Chair, that you instruct the body?

MS. JONES: If you are in favor of striking the word "lawful", line 3, page 11, please raise your hand.

(A show of hands.)

MR. COOPER: Eighteen.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Seven.

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: One.

MS. JONES: The amendment passes.

We are now at the Long substitute motion. Is there any discussion?

Yes, Mr. Secretary?

MR. COOPER: I have a point of inquiry. In actuality, since the Long motion was to strike everything starting with the word, "but", all the way through the end, and the Kameny motion, as I understand it, was in effect to restore it, but only strike the word, "lawful", the Kameny was really a substitute for the Long.

MR. KAMENY: Mine addressed a motion which was accepted from Delegate Long, and that only, and it modified Delegate Long's motion, and whatever happens ultimately is not affected by that.

MS. JONES: Delegate Long, did you accept the Kameny?

MR. LONG: The body accepted it.

MS. JONES: Delegate Barnes?

MR. BARNES: Yes, just to further elaborate on what Delegate Cooper is saying, we in effect voted down the long amendment by voting for the Kameny amendment. So therefore --

MS. JONES: We are back to the main motion.

MR. KAMENY: That's right. Thank you.

MS. JONES: Delegate Schrag?

MR. SCHRAG: Madame Chairman, I offer an amendment

that I think is necessary in view of the Committee's accepting the Mason amendment, and that is to add at the end of line 14, the words, "covered by the state's minimum wage legislation".

(The motion was duly seconded.)

MR. SCHRAG: The purpose of this amendment is that without this phrase, the naked sentence, "Minimum wages established shall apply to all employees", means that babysitters must be paid the minimum wage. It means those families can go out and hire a babysitter for \$1.50 an hour because the constitution requires that all employees be paid minimum wages. Now, the Committee's original language about categories solves that problem, but as Delegate Mason pointed out, it created different problems. The elimination of that problem solves the problem that it created, but restores the original problem.

The purpose of my amendment is to solve both problems, to eliminate the problem that Delegate Mason talked about, which was satisfied by eliminating languages about categories, but to say that the minimum wage need to apply to every employee of the state, but only employees who are covered by legislation. And if the legislature was to cover babysitters, fine, but the legislature is not required to cover every babysitter and newspaper delivery person and



whatever, by the minimum wage law.

MS. JONES: Delegate Croft?

MR. CROFT: Yes. Again, I want to point out that it is our interpretation as you read the sentence again it says, "Minimum wages established-- and there should be an "ed" on the end, and perhaps that is what is causing problems -- "Minimum wages established shall apply to all employees", essentially, what we mean by that is, in other words, it is minimum wages -- it is "wages", as plural -- "established shall apply to all employees." We are saying that this minimum wages that the state establishes shall apply to all employees. We are not saying that the state must establish minimum wages for every occupation. We are saying that if it establishes minimum wages, it has to apply to all the employees. That is what the sentence means. I am essentially arguing that what is being offered by Delegate Schrag is redundant, that it is in the sentence.

MS. JONES: Delegate Shelton?

MS. SHELTON: I think it is my intention to have the broadest possible coverage of those in the state for minimum wage. I do not think that any minimum wage law has ever, or probably never will, include casual laborers, and babysitters are generally categorized as casual laborers. If the delegate

insists upon the clarification of that section, if we eliminate "state" and say "all those covered by minimum wage laws", then we would accept that, then, as an amendment.

MR. SCHRAG: I accept that.

MS. SHELTON: However, we on the Committee feel that it is not necessary because we have language to cover that, but I would not want to then offer for consideration by the new legislature, every minimum wage coverage, thereby cleaning the slate, freeing people to eliminate domestic workers and some of those for whom we have fought so hard to have included.

MR. SCHRAG: I will accept the amendment, Delegate Shelton.

MR. COOPER: Could you restate it?

MS. JONES: Could you restate the amendment for the Secretary, please?

MS. SHELTON: I think if we eliminated "state" in his category, it would thereby allow us to blanket in Federally-covered and everybody who has been previously covered by any other, and not offering for reconsideration already existing minimum wage laws.

MS. JONES: Delegate Kameny?

MR. KAMENY: Yes, I want to say -- and concur with

Delegate Schrag on this -- the language can be further simplified, and I think that Delegate Shelton would concur, by saying very simply, "Minimum wages established shall apply to all employees covered thereby."

MR. CROFT: That is acceptable to the Committee.

MS. JONES: Delegate Kameny, can you read that again?

MR. KAMENY: Yes. After the word "employees" on line 14 would simply be added, -- "I think there was a period there -- "covered thereby", so that that sentence would read, "Minimum wages established shall apply to all employees covered thereby."

MR. COOPER: Is that a formal amendment?

MS. JONES: Yes, that is a formal amendment, and then it was accepted by the Committee.

MR. COOPER: Then it is not formal.

MR. KAMENY: It was accepted by the Committee, and it was accepted by Delegate Schrag over his more complex language in his substitute.

MS. JONES: It was accepted by the Committee and accepted by Delegate Schrag.

MR. KAMENY: And by Delegate Shelton.

MS. JONES: Delegate Brian Moore, and then Delegate Talmadge Moore.

MR. B. MOORE: I have a question of the Committee. I am not sure if it is applicable to Mr. Schrag's amendment or to the main motion. Where do adolescent workers fall into the category, say, for instance, who work for McDonald's? I am assuming that this does not apply to them? Does it apply now? They are paid minimum wages now?

MR. CROFT: It applies now. They are paid minimum wages now.

MS. JONES: Delegate Talmadge Moore?

MR. T. MOORE: Line 14 covers everybody now, the way you have it worded.

MS. JONES: Is there any other discussion?

(No response.)

MS. JONES: Then I will call for a vote.

Now, I think that Delegate Schrag would accept it if it calls for a vote on the Schrag substitute motion.

MR. KAMENY: As amended.

MS. JONES: As amended by Delegate Kameny.

Delegate Barnes?

MR. BARNES: Now, I think we are back to the main motion, because the Committee accepted the language.

MS. JONES: But Delegate Schrag has moved a substitute motion, and even though the Committee accepted the



language, his motion was still on the floor, as amended by Delegate Kameny.

All those in favor will signify by a show of hands.

(A show of hands.)

MR. COOPER: Twenty-one.

MS. JONES: Those opposed?

(No response.)

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: One.

MS. JONES: The substitute passes.

Delegate Cooper, you had an amendment.

MR. COOPER: I'll withdraw my amendment.

MS. JONES: We are back to Section 2 as amended.

Delegate Croft?

MR. CROFT: Madame Chair, I move the adoption of Section 2 as amended.

(The motion was duly seconded.)

MS. JONES: Delegate Barnes.

MR. BARNES: I move the question.

(The motion was duly seconded.)

MS. JONES: There has been a call for the question.

All those in favor of closing debate will show their hands.

(A show of hands.)

MR. COOPER: Seventeen.

MS. JONES: Those opposed?

(A show of hands.)

MS. JONES: Those abstaining?

(A show of hands.)

MS. JONES: All of those in favor of Section 2 as amended will signify by showing their hands.

(A show of hands.)

MR. COOPER: Eighteen.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: The section is adopted.

Delegate Croft?

MR. CROFT: Madame Chair, I would like to move the adoption of Section 3, "Administration of Labor Relations", and I would like to offer language on page 11, line 6, after the word, "agencies"; add, "within one principal executive department". The rest of the section remains the same.

MS. JONES: Is there any discussion?

Delegate Talmadge Moore?

MR. T. MOORE: I had a question previously about what was a "principal executive department", and it never was answered, and I am wondering whether you could address that at this time. What is a "principal executive department"?

MR. CROFT: It is one of the 20 agencies or departments that are being established through the constitution. We agreed when we debated the executive article that there would be only 20 agencies, or should only be 20 departments. And those 20 departments which we agreed upon in that article are the principal executive departments. What we are saying is that our labor relations agency will not be an independent agency; it will be an agency in one of those departments in order to stay within the 20-department limit that this body previously agreed to.

In other words, the body previously said you can only have 20 departments.

MS. JONES: Is there any other discussion?

Delegate Cooper?

MR. COOPER: Yes, I would like to speak against this section for several reasons. I think it is time we face up to the fact that we are building a bureaucracy here. Just let me

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tell you something. In this constitution alone, from the provisions coming out of these committees, we are establishing 17 boards and commissions and agencies. I have the list before me. Of these 17, 8 of them come only out of these economic development articles, 8 out of the 17. That is just too many. I think that this Committee, like other committees or like other sections, it looks like they are trying to etch out a space for themselves on one of these boards, commissions or agencies. Eight out of the 17 to come out of this Convention out of one Committee is utterly ridiculous. And that is a fact.

Now, another problem that we are having with this section is that -- and I will point to the question and answer period that we had yesterday morning, and this is a fact -- on May the 14th, which was yesterday, in response to Mr. Bruning's question on the previous section we just passed, Mr. Croft stated, and I quote, on the language of Section 2, he said, "This language came directly out of the National Labor Relations Act". So Mr. Croft himself has stated that he took legislation and put it in this constitution. And now we are going to develop a special agency to deal with this legislatively created type of agency. I think that that is a bit much. And as you look further down, we have about three more to go,

—



like I said. Out of the 17, this Committee has created 8. That is ridiculous. We have committees of extreme jurisdiction, like the Committee on Education, who only created three boards, in this case; we have the Committee on the Judiciary who, in its constitution, creates only 3 -- those 3, of course, already exist. They are not creating anything new. But this Committee, who is charged with a small task seems to have exploded into a tremendous task whereby they came out with 6 articles, 8 agencies, and who knows what else is going to come out of it by the time we get through amending it?

So I urge you to vote this section down, because it just adds to the proliferation that this Committee has already put in this document.

MS. JONES: Delegate Charles Mason?

MR. MASON: I would like to ask the Committee whether in saying, "within one of the agencies", they had also considered the possibility of a commission, as they did in the other case. And I would also like to ask whether this agency or commission, whichever it may be, is to include labor relations for all employees, both public and private -- other than Federal; I realize we can't deal with the Federal -- but state employees plus the private sector, or are there going

to be two separate ones, one for the state employees and one for the private sector. Right now, we have such an agency that deals with District of Columbia employees. Is that agency going to be put here and given also the power with respect to private employees; are you going to propose two separate ones?

And if the answer is that this agency will include the public employees, then I have a little problem with putting it in one of the existing agencies, because all the employees of that agency will be subject to its jurisdiction, and they will be in a different relationship from those in the other agencies.

So that if it is going to deal with the employees of the state, it ought to be as independent as possible of any of the regular agencies, so that it is an outside agency from the point of view of an employee who is appealing to it or dealing with it.

MR. CROFT: Well, the intention of the Committee, referring back to this language, a decision had not been made by this body to create 20 departments in the constitution. It was our intent to provide an option for the legislature. The legislature could choose to have a single agency, or one for all, public and private, or to have separate ones, public and private. That was our option. That was what we first wanted

do. There would be an option. Now there is the rule that there can only be 20 departments, but we are again essentially arguing that the legislature has the option. It can create one agency for both public and private; it can create more than one, one for public, one for private. It is a legislative option.

MS. JONES: Delegate Robinson?

MR. ROBINSON: I stand to speak in opposition. My reasons for speaking in opposition are 1) I am appalled at the ability of a special interest group to dictate the writing of this section; 2) I see in this section pure and unadulterated legislation; 3) I am very disturbed by the clandestine nature in which this Committee is putting forward these special interest concerns. And lastly, I will ask all of my fellow delegates to vote against this.

Thank you.

MS. JONES: Delegate Harris?

MS. HARRIS: Madame Chair, I would like to move to strike Section 3, Administration of Labor Relations.

(The motion was duly seconded.)

MS. JONES: It has been moved and seconded to strike Section 3, Administration of Labor Relations.

Delegate Croft?

MR. CROFT: I would like to speak against the striking of Section 3 for a particular reason. When we become a state, there will be no agency existing, no mechanism to deal with collective bargaining issues related to interstate employees. In other words, there are people who work in interstate commerce. There will be no agency, no organization, no means on the part of the state to regulate and deal with issues dealing with employees in interstate commerce.

The Federal laws apply only to employees engaging intrastate commerce. The employees who work in interstate commerce will not have any agency to protect and enhance their rights, et cetera, and the state will have no means to deal with labor problems in those areas.

But let me speak to a greater issue. I want to talk about special interest groups, and I want to talk about the special interest groups we are trying to protect in this room. We are trying to protect the special interest group of those who are a majority of this city, an overwhelming majority of this city. And I am appalled because I saw this convention spend a week -- spend a week -- debating the question of how could we satisfy the interests of millionaires, appointed by millionaires, and confirmed by millionaires. And now we are saying that the garbage collector cannot have his interests and



his rights protected; we are saying the secretary cannot have hers; we are saying that the dishwasher cannot have his, the domestic cannot have hers. And I am saying this, that this convention spent almost a week dealing with the question of how could this convention promote and defend the interests of 48 millionaires, who owe their jobs to millionaires and who are confirmed by millionaires, and yet, every time you want to talk about the majority of this city, every time you want to talk about the ordinary persons of this city, they come to a special interest group, and let me say who the special interest group is. That special interest group is your mother, it is your father, it is your sister, it is your brother, it is your cousin, and it is possibly your lover, because most of us in this room are people who have nothing but the labor that we well, and let's not kid ourselves, we are not millionaires, it is an illusion.

MS. JONES: Delegate Oulahan and Delegate Barnes.

MR. OULAHAN: I rise to state that if the reference to 48 individuals is to 48 judges, they are not millionaires.

(Laughter.)

MS. JONES: Delegate Oulahan, that was out of order. Delegate Barnes?

MR. BARNES: This may also be out of order, but

let's face it, this is a democratic assembly. If you don't like what we have, vote it down. Obviously, the convention has supported most of what we have been doing. Therefore, the record speaks for itself.

MS. JONES: Delegate Marcus?

MR. MARCUS: I am surprised that delegates here would want to attack what is apparently the most innocuous portion of this entire section, that is simply setting up an agency like every other state has, and like most other state constitutions set out, to deal with issues having to do with labor. I don't quite understand what is so offensive, what is so radical, what is so bureaucratic, what is so off-the-wall, about setting up an agency to deal with the issues that you as a body have just agreed to be part of this constitution. That is incredibly inconsistent, Mr. Robinson.

Thank you.

MS. JONES: Delegate Love, then Delegate Robinson.

MR. LOVE: I'd like to speak in favor of the motion to delete the section. I think we have made clear what we want to see done. I don't think we have to tell the government how to do it. It is very clear that they will set up some way of doing this. I think that this is superfluous and redundant and just fills up the constitution. We have already made our

decisions, and it up to the legislature and it is up to the Governor to decide the best way to carry them out. It is not up to us to set up hundreds of agencies in the constitution.

MS. JONES: In the interest of time, the last person we will hear is Delegate Robinson. As you know, we have to be out of here by five, and it is now ten of.

MR. ROBINSON: Madame Chair, I stand to move the previous question.

(The motion was duly seconded.)

MS. JONES: The previous question has been called. Those in favor of moving the previous question will show their hands.

(A show of hands.)

MR. COOPER: Twenty-two.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: One.

MS. JONES: Those abstaining?

(No response.)

MS. JONES: There is a motion on the floor to strike the section. Those in favor of that will show their hands.

(A show of hands.)

MR. COOPER: Nine.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Twelve.

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: The motion to strike fails, so we are back to Section 3 to adopt.

Delegate Croft?

MR. CROFT: I move the adoption of Section 3, Administration of Labor Relations, as amended.

(The motion was duly seconded.)

MS. JONES: I have to limit the discussion. It is now five minutes to five. The first hand I saw was delegate Brian Moore.

MR. B. MOORE: Another question to the Committee. I don't really understand the full function of this commission or this board.

MR. CROFT: The function of the board is as stated, "There shall be established an agency: or agencies within a...department, to enforce all laws, regulations or programs concerned with collective bargaining and the general welfare of labor. The laws...are passed by the legislature." It will

be the agency that carries out what the legislature passes in this area, the rules and regulations passed by the legislature. It will administer them.

MS. JONES: The next hand that I saw was Robinson, Nixon, Long, and Bruning.

MR. ROBINSON: Madame Chair, I stand, realizing the time, to move the previous question.

(The motion was duly seconded.)

MS. JONES: The question has been called. Those in favor of calling the question will signify by raising their hands.

MR. JORDAN: Madame Chair, point of order.

MS. JONES: You can't have a point of order in the middle of a vote, Delegate Jordan.

(A show of hands.)

MR. COOPER: Sixteen.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: Abstentions?

(A show of hands.)

MR. COOPER: Two.

MS. JONES: Section 3 --



MR. JORDAN: Point of order.

MS. JONES: Delegate Jordan?

MR. JORDAN: Madame Chair, I thought that before we could call a point of order, that we had to let two people speak for and against.

MR. T. MOORE: It's almost five o'clock.

MR. JORDAN: I am sorry. I withdraw my point of order, even though I know I am correct.

MR. BARNES: Point of personal privilege, Madame Chairman. The elevator is almost ready to go.

ANNOUNCEMENT: Call the previous question.

MS. JONES: The previous question has been called for, Section 3.

Those in favor of Section 3 as amended will show their hands.

(A show of hands.)

MR. COOPER: Fifteen.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Nine.

MS. JONES: Abstentions?

(No response.)

MS. JONES: The section is adopted.

Delegate Croft?

MR. CROFT: Madame Chair, I move the adoption of the Article, Labor Relations, as amended.

(The motion was duly seconded.)

MS. JONES: Delegates in favor -- Delegate Long, the elevator is waiting -- unless it is so important --

MR. LONG: We could postpone it because we've got 20 more sections to this.

MR. CROFT: Not in this article.

MS. JONES: Go ahead and speak, Delegate Long.

MR. LONG: I want those who voted "No" on Jackson's amendment to rethink why they switched their votes --

MS. JONES: No, no. Delegate Long, you are out of order, because --

MR. LONG: It is not. I am talking about the reason to vote this whole thing down --

MS. JONES: Delegate Long, we are speaking to vote for the whole article.

MR. LONG: Are you talking about the whole article?

MS. JONES: Yes.

MR. LONG: That's what I am talking about. I want you to vote down the whole article. Several people switched their votes between the Jackson amendment and the Committee

language. I ask you to rethink why you decided that the Committee language was still sufficient to keep us from being thrown into controversy over the right to strike of public employees, and I ask you to rethink your position and now vote "No" again on the whole article.

MS. JONES: I am going to take the vote. It is now five o'clock.

Those in favor of the article will signify by showing their hands.

(A show of hands.)

MR. COOPER: Sixteen.

MS. JONES: Those opposed?

(A show of hands.)

MR. COOPER: Seven.

MS. JONES: Those abstaining?

(A show of hands.)

MR. COOPER: One.

MS. JONES: There are two announcements. On Monday, May 17, the Statehood Commission will be sworn in at 11:00 a.m.

This convention will reconvene Monday at 4:00 p.m. Please be on time so we can have a quorum at 4:00 p.m.

Style and Drafting will be meeting at the District Building directly after this meeting adjourns, Room 114.

MS. SHELTON: Madame Chairman, on behalf of the entire meeting, I would like to commend you for your efforts in facilitating the proceedings today.

(Applause.)

MS. JONES: I appreciate that, and could I have a motion to adjourn.

MR. KAMENY: So moved.

MR. SCHRAG: A question, Madame President. Some of us have come for hours and hours on end to this hall, when delegates haven't been here and we haven't had a quorum, and I fear that if that happens once again on Monday at 4:00 p.m., then nobody is going to take the times of these meetings seriously.

I would like to know whether the President will be willing to have a show of hands of those delegates who would be willing to be here at 4:00 p.m. on Monday.

MS. HARRIS: Delegate Schrag, may I speak to that?

MR. SCHRAG: Yes.

MS. HARRIS: I presented President Cassell with a plan last week, that has not been implemented, but I will try to force its implementation coming Monday. And that is that each Vice President Chair one of the sessions, so there will always be somebody Chairing. I did not realize he was not going

to be here.

MR. SCHRAG: I'm speaking to the delegates, Delegate Harris. I am not speaking to the officers.

MS. HARRIS: That was a concern also of the delegates, and I thought I should speak to that.

MR. SCHRAG: How many people will be here at 4:00 Monday?

(A show of hands.)

MR. SCHRAG: That is about seven delegates, Madame Chairman.

MR. KAMENY: I move we meet at 6:00 o'clock.

MS. HARRIS: On Monday, as you know, we will be finishing up this section, and I think we will have enough delegates. We cannot change the rules like this.

MS. JONES: We will ask Ms. Ellington to remind the delegates that the meeting is at 4:00 p.m. on Monday.

We stand adjourned.

(Whereupon, at 5:05 p.m., the proceedings were adjourned, to reconvene Monday, May 17, 1982, at 4:00 p.m.)